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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANDREW LANCASTER, et al.

Plaintiffs,

v.

JAMES E. TILTON, et al.,

Defendants.

FREDDIE FUIAVA,

Intervenor.

No. C 79-01630 WHA

**STIPULATION AND
~~PROPOSED~~ ORDER IN
RESPONSE TO COURT'S
NOVEMBER 8, 2007 ORDER RE
INTERVENOR'S NOTICE OF
CLASS DEFICIENCY**

The parties in response to the Court's November 8, 2007 Order hereby stipulate that:

1. Within seven days of the Court's filing of an approved copy of the instant

Stipulation and ~~Proposed~~ Order re
Court's Order re Intervenor's Notice of
Class Deficiency
Lancaster v. Tilton, C 79-01630 WHA

Order, plaintiffs' counsel shall deliver to San Quentin sufficient copies of the notice attached hereto as Exhibit A ("notice") to permit San Quentin staff to both personally provide a copy to each condemned prisoner at San Quentin and post the notice in the locations in the condemned prisoner housing units where similar notices are typically posted;

2. Within 14 days of the Court's order, defendants shall cause the notice to be: (a) personally delivered, over no more than a two day period, to each condemned prisoner housed at San Quentin; and, on the same day(s) that the notices are personally delivered, (b) posted in the condemned prisoner housing units at the same locations that similar notices are typically posted. The posted notices shall remain in place for a period of 30 days. Once the notices are distributed, defendants shall file a statement setting forth the date(s) that the notices were distributed.

3. Within 60 days after the notice is distributed to condemned prisoners at San

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Stipulation and ~~Proposed~~ Order re
Court's Order re Intervenor's Notice of
Class Deficiency
Lancaster v. Tilton, C 79-01630 WHA

1 Quentin, plaintiffs' counsel shall file a status report regarding the process of securing new
2 representative(s).

3 Dated: November 16, 2007

4 /s/ Steven Fama

5 _____
6 Steven Fama
7 Attorney for Plaintiff Class

8 Dated: November 16, 2007

9 _____
10 
11 Julianne Mossler
12 Deputy Attorney General
13 Attorney for Defendants

14 Dated: November 16, 2007

15 _____
16 Diana Samuelson
17 Attorney for Intervenor Freddie Fuiava

18 IT IS SO ORDERED.

19 Dated: _____

20 _____
21 THE HONORABLE WILLIAM H. ALSUP
22 UNITED STATES DISTRICT COURT JUDGE
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27 Stipulation and ~~Proposed~~ Order re
28 Court's Order re Intervenor's Notice of
Class Deficiency
Lancaster v. Tilton, C 79-01630 WHA

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4 Dated: November 16, 2007

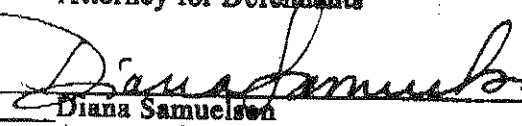
/s/ Steven Fama

5 Steven Fama
6 Attorney for Plaintiff Class

7 Dated: November 16, 2007

8 Julianne Mossler
9 Deputy Attorney General
10 Attorney for Defendants

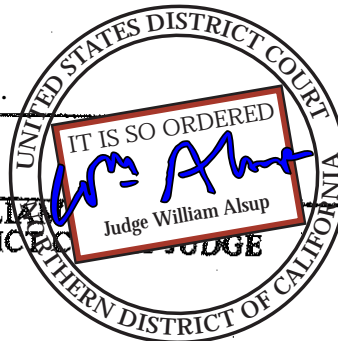
11 Dated: November 16, 2007

12 
13 Diana Samuelson
14 Attorney for Intervenor Freddie Fuiava

15 IT IS SO ORDERED.

16 Dated: November 19, 2007.

17 THE HONORABLE WILLIAM ALSUP
18 UNITED STATES DISTRICT JUDGE



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27 Stipulation and [Proposed] Order re
28 Court's Order re Intervenor's Notice of
Class Deficiency
Lancaster v. Pilton, C 79-61630 WHA

EXHIBIT A

NOTICE – TO CERTAIN CONDEMNED PRISONERS AT SAN QUENTIN – REGARDING APPLYING TO BECOME A CLASS REPRESENTATIVE, OR INTERVENING, IN *LANCASTER V. TILTON*.

THIS NOTICE IS PROVIDED BY ORDER OF THE HONORABLE WILLIAM H. ALSUP, UNITED STATES DISTRICT COURT JUDGE, NORTHERN DISTRICT OF CALIFORNIA.

All condemned prisoners at San Quentin are members of the plaintiff class in the federal civil rights lawsuit known as *Lancaster v. Tilton* (previously called *Thompson v. Enomoto*). Currently, eight condemned prisoners serve as class representatives in the case. Judge Alsup has ordered that a notice be given to all condemned prisoners housed in the Adjustment Center, and all condemned prisoners who are “Hispanic” or “Other,” inviting those prisoners to either: (1) apply to become a class representative with class counsel, or (2) intervene in the action. Although the Court’s order applies only to certain condemned prisoners, all condemned prisoners at San Quentin are being provided a copy of this notice.

If you want to apply to be a class representative with class counsel: If you want to apply to be a class representative, you should send a letter stating that you want to apply to the plaintiffs’ class counsel, at the following address: Prison Law Office, General Delivery, San Quentin, California, 94964. Your letter must be postmarked within thirty (30) days of when you received this notice. If you send such a letter, the Prison Law Office will send you a class representative application form, along with a postage pre-paid envelope which you can use to return the application. Once all applications are received, the Prison Law Office, as plaintiff class counsel, will determine which prisoners to interview or otherwise further review regarding the application to become a class representative.

If you want to intervene in this action: To intervene, you must file a formal motion in this case. If you want to intervene, you should contact a lawyer (other than the counsel for the plaintiff class or intervenor Fuiava) to do this on your behalf, or submit a motion to the Court yourself.

THIS NOTICE IS PROVIDED BY ORDER OF THE HONORABLE WILLIAM H. ALSUP, UNITED STATES DISTRICT COURT JUDGE, NORTHERN DISTRICT OF CALIFORNIA.